

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MONTE L. HANEY,)
Petitioner,) No. C 07-4682 CRB (PR)
vs.) ORDER
DERRAL G. ADAMS, Warden,) (Doc # 11)
Respondent.)

Per order filed on May 5, 2008, the court denied petitioner's motion to amend his petition for a writ of habeas corpus under 28 U.S.C. § 2254 to add an additional claim of sentencing error on the ground that the claim is not exhausted. And, under the law of the circuit, asked petitioner to inform the court in writing whether he wishes to withdraw his unexhausted claim and proceed only on his exhausted claims in the original petition, or dismiss his original petition and return to federal court with a new petition containing all claims once they are exhausted.

Petitioner promptly responded that he wishes "to withdraw the unexhausted claim and proceed with the exhausted claims filed in the original petition." Respondent accordingly shall file an answer to the court's January 11, 2008 order to show cause by no later than July 11, 2008. Respondent's motion for an extension of time (doc # 11) is denied as moot.

SO ORDERED.

DATED: May 15, 2008

CHARLES R. BREYER
United States District Judge